

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

LOUIS MILES, Jr., )  
Plaintiff )  
v. ) CIVIL ACTION NO. 2:07-CV-950  
OFFICER DICKEY, et al., )  
Defendant )  
**ANSWER**

COME NOW the Defendants, Officer Dickey ("Dickey") and Officer M. McCord ("McCord") by and through undersigned counsel and, in accordance with this Court's Order of October 29, 2007, and file this Answer in response to Plaintiff's Complaint.

## **GROUND ONE**

1. Defendants deny the material allegations contained in Ground One of Plaintiff's Complaint and demand strict proof thereof.

## **GROUND TWO**

2. Defendants deny the material allegations contained in Ground Two of Plaintiff's Complaint and demand strict proof thereof.

## **GROUND THREE**

3. Defendants deny the material allegations in Ground Three of Plaintiff's Complaint and demand strict proof thereof.

4. Defendants deny the material allegations contained in the remainder of the Complaint and demand strict proof thereof.

**AFFIRMATIVE DEFENSES**

**FIRST AFFIRMATIVE DEFENSE**

Defendants aver that the Complaint fails to state any cause of action upon which relief can be granted and deny that Plaintiff is entitled to any relief.

**SECOND AFFIRMATIVE DEFENSE**

Defendants plead the general issue.

**THIRD AFFIRMATIVE DEFENSE**

Defendants aver that Plaintiff was provided proper medical treatment and standard of care.

**FOURTH AFFIRMATIVE DEFENSE**

Defendants plead insufficiency of service of process.

**FIFTH AFFIRMATIVE DEFENSE**

Defendants plead qualified immunity.

**SIXTH AFFIRMATIVE DEFENSE**

Defendants please discretionary function immunity on any state law claims which may have been plead.

**SEVENTH AFFIRMATIVE DEFENSE**

Defendants plead that the claims made by Plaintiff are completely without merit and should be dismissed as frivolous pursuant to 28 U.S.C. § 1915(e) (2) (B) (i).

**EIGHTH AFFIRMATIVE DEFENSE**

Defendants plead that the City of Montgomery had no policy or custom which were the proximate cause of the damages claimed in the Complaint

**RESERVATION OF DEFENSES**

The Defendants reserve the right to plead additional defenses as they become known in the course of discovery as may be allowed by the Court.

Respectfully submitted this the 7<sup>th</sup> day of December, 2007.

/s/ Wallace D. Mills  
Wallace D. Mills (MIL 090),  
Assistant City Attorney

**OF COUNSEL:**

City of Montgomery  
Legal Department  
103 N. Perry St.  
Montgomery, AL 36104  
334.241.2050  
FAX 334.241.2310

**CERTIFICATE OF SERVICE**

I hereby certify that I have mailed a copy of the above and foregoing Answer to the following by electronic mail or placing a copy of same in the United States Mail, postage, prepaid, this 7<sup>th</sup> day of December, 2007:

Louis E. Miles, Jr.  
AIS 138374  
Montgomery County Detention Facility  
P.O. Box 4599  
Montgomery, AL 36103

/s/ Wallace D. Mills  
Of Counsel